

The Honorable James L. Robart

UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

MICROSOFT CORPORATION, a Washington  
corporation,

Plaintiff,

v.

MOTOROLA, INC., MOTOROLA MOBILITY  
LLC, and GENERAL INSTRUMENT  
CORPORATION,

Defendants.

CASE NO. C10-1823-JLR

DECLARATION OF SAMUEL L.  
BRENNER IN SUPPORT OF  
DEFENDANTS' BRIEF REGARDING  
EXTRINSIC EVIDENCE RELEVANT  
TO THE GOOGLE-MPEG LA LICENSE

DECLARATION OF SAMUEL L. BRENNER IN SUPPORT OF  
DEFENDANTS' BRIEF REGARDING EXTRINSIC EVIDENCE  
RELEVANT TO THE GOOGLE-MPEG LA LICENSE  
CASE NO. C10-1823-JLR

SUMMIT LAW GROUP PLLC  
315 FIFTH AVENUE SOUTH, SUITE 1000  
SEATTLE, WASHINGTON 98104-2682  
Telephone: (206) 676-7000  
Fax: (206) 676-7001

1 I, SAMUEL L. BRENNER, declare as follows:

2 1. I am an associate at the law firm of Ropes & Gray LLP, counsel to Motorola  
3 Mobility LLC and General Instrument Corporation (collectively "Motorola")<sup>1</sup>, Defendants in this  
4 action, and am a member in good standing of the bars of the Commonwealth of Massachusetts and  
5 State of California.

6 2. I submit this declaration in support of Motorola's Brief Regarding Extrinsic  
7 Evidence Relevant to the Google-MPEG LA License, submitted concurrently herewith.

8 3. Attached as Exhibit A is a true and correct copy of an October 8, 2010 letter from  
9 MPEG LA to Laura Majerus at Google, which bears production numbers GGMM-00029807-08.

10 4. Attached as Exhibit B is a true and correct copy of a February 27, 2009 email from  
11 Laura Majerus of Google to Baryn S. Futa, Manager and Chief Executive Officer of MPEG LA  
12 L.L.C., with the subject "Re: Notification of Affiliates pursuant to Section 3.3 of AVC Patent  
13 Portfolio License," which bears production numbers GGMM-00011326-27.

14 5. Attached as Exhibit C is a true and correct copy of a February 28, 2011 email from  
15 Laura Majerus of Google to Darcey Feiertag and Ryan Rodriguez of MPEG LA, which bears  
16 production numbers MPEG LA-000328-29.

17 6. Attached as Exhibit D is a true and correct copy of a February 28, 2012 email from  
18 Laura Majerus of Google to Darcey Feiertag and Alana Walker of MPEG LA, which bears  
19 production number MPEG LA-000300.

20 7. Attached as Exhibit E is a true and correct copy of an article by Larry Horn,  
21 entitled "Alternative approaches to IP management: One-stop technology platform licensing,"  
22 published in 2003 in the *Journal of Commercial Biotechnology*.

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25 <sup>1</sup> As noted in Motorola's Post-Trial Brief Regarding the Google-MPEG LA AVC License Agreement (Dkt.  
26 No. 615), Motorola Solutions, Inc., which is now independent from Motorola Mobility and General Instrument, takes  
no position on the issues raised in Motorola's briefing regarding the Google-MPEG LA AVC License Agreement.

1           8.       Attached as Exhibit F is a true and correct copy of a 2009 article by Bill Geary,  
2 entitled "Patent Pools in High-Tech Industries," and published in *International Asset Management*  
3 *Magazine*.

4           9.       Attached as Exhibit G is a true and correct copy of a November 11, 2011 MPEG  
5 LA slide presentation entitled "Patent Pool Evolution," which bears production numbers MS-  
6 MOTO\_1823\_00002303960-95.

7           10.      Attached as Exhibit H is a true and correct copy of an email exchange between  
8 Terufumi Yorita of Sony Corporation and Larry Horn of MPEG LA, culminating in a March 16,  
9 2004 email bearing the subject line "RE: Revised AVC Draft License," and bearing production  
10 numbers MS-MOTO\_1823\_00002352423-25.

11          11.      Attached as Exhibit I is a true and correct copy of a presentation on the AVC patent  
12 portfolio license by MPEG LA at the 2006 Video Networks Users' Conference, bearing  
13 production numbers MPEG-MOT\_00000764-81.

14          12.      Attached as Exhibit J is a true and correct copy of a February 28, 2010 letter from  
15 Laura Majerus of Google to Rachel Bowman and Baryn S. Futa of MPEG LA, which bears  
16 production number GGMM-00011669.

17          13.      Attached as Exhibit K is a true and correct copy of an email from Ryan Rodriguez  
18 of MPEG LA to Laura Majerus of Google, which bears production number GGMM-00029806.  
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1 I declare under penalty of perjury of the laws of the United States and the State of  
2 Washington that the foregoing is true and correct.

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4 DATED this 23rd day of January, 2013.

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7 /s/ Samuel L. Brenner

8 Samuel L. Brenner  
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**CERTIFICATE OF SERVICE**

I hereby certify that on this day I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the following:

Arthur W. Harrigan, Jr., Esq.  
Christopher T. Wion, Esq.  
Shane P. Cramer, Esq.  
Calfo Harrigan Leyh & Eakes LLP  
*arthurh@calfoharrigan.com*  
*chrisw@calfoharrigan.com*  
*shanec@calfoharrigan.com*

Richard A. Cederoth, Esq.  
Brian R. Nester, Esq.  
David T. Pritikin, Esq.  
Douglas I. Lewis, Esq.  
John W. McBride, Esq.  
David Greenfield, Esq.  
William H. Baumgartner, Jr., Esq.  
David C. Giardina, Esq.  
Carter G. Phillips, Esq.  
Constantine L. Trela, Jr., Esq.  
Ellen S. Robbins, Esq.  
Nathaniel C. Love, Esq.  
Sidley Austin LLP  
*rcederoth@sidley.com*  
*bnester@sidley.com*  
*dpritikin@sidley.com*  
*dilewis@sidley.com*  
*jwmcbride@sidley.com*  
*david.greenfield@sidley.com*  
*wbaumgartner@sidley.com*  
*dgiardina@sidley.com*  
*cphillips@sidley.com*  
*ctrela@sidley.com*  
*erobbins@sidley.com*  
*nlove@sidley.com*

T. Andrew Culbert, Esq.  
David E. Killough, Esq.  
Microsoft Corp.  
*andycu@microsoft.com*  
*davkill@microsoft.com*

DATED this 23rd day of January, 2013.

/s/ Marcia A. Ripley

Marcia A. Ripley

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